

REMARKS

This Amendment and Response is made in reply to the Office Action mailed November 20, 2009, in which the Examiner:

objected to claim 17 under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 3; and

rejected claims 2-5, 9, 13-15 and 17-18 under 35 U.S.C. § 112, second paragraph, as indefinite;

rejected claims 2, 13 and 15 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 6,112,389 to Boltshauser ("Boltshauser");

rejected claims 2 and 13 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 6,122,821 to Dornieden *et al.* ("Dornieden");

rejected claims 2-5, 9 and 17 under 35 U.S.C. § 102(a) as anticipated by Applicants' Admitted Prior Art ("AAPA"); and

rejected claims 13, 14 and 18 under 35 U.S.C. § 103(a) as obvious over AAPA, in view of Dornieden.

Claims 1-15 and 17-19 were previously pending in the present application. Claims 1, 6-8, 10-12 and 19 were previously withdrawn from consideration. Claim 16 was previously canceled. Claims 13 and 17 are canceled with this Amendment and Response. Claims 2-5, 9, 14, 15 and 18 are amended. Claims 2 and 18 are independent claims. Claims 3-5, 9, 14 and 15 depend, either directly or indirectly, from independent claim 2.

Regarding the objection to claim 17 under 37 C.F.R. § 1.75, Applicants have canceled claim 17. Accordingly, Applicants submit that the objection to claim 17 is moot, and respectfully request that it be withdrawn.

Regarding the rejections of claims 2-5, 9, 13-15 and 17-18 under 35 U.S.C. § 112, second paragraph, as indefinite, the Examiner argues that the claims fail to particularly point out and distinctly claim the subject matter regarded as Applicants' inventions, and that certain positively recited limitations lack antecedent bases. (Office Action, pages 5-8.) In view of the foregoing amendments to claims 2-5, 9, 14, 15 and 18, and the cancellation of claims 13 and

17, Applicants submit that the rejections of claims 2-5, 9, 13-15 and 17-18 have been properly addressed, and respectfully request that they be withdrawn.

Regarding the rejections of claims 2, 13 and 15 under 35 U.S.C. § 102(b) as anticipated by Boltshauser, amended claim 2 recites a processing device comprising an advancing mechanism and a plurality of processing stations arranged in succession along an advancement direction, wherein the advancing mechanism is adapted to advance a single row succession of objects along the advancement direction and comprises at least two conveyor belts arranged parallel to one another and driven in synchronism, wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means, and wherein each of the plurality of processing stations is adapted to process a single object at a time. The Examiner argues that Boltshauser shows or discloses an advancing arrangement comprising at least two conveyor belts arranged parallel to one another and driven in synchronism, and that the magnets 6 arranged at the lower side of the belt 5 constitute "opposed holding means." (Office Action, pages 8-9.) Applicants respectfully disagree with the Examiner.

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and each of the elements must be arranged as is required by the claim.

Applicants submit that amended claim 2 is not anticipated by Boltshauser, at least because Boltshauser fails to show or disclose an advancing mechanism that is adapted to advance a single row succession of objects along the advancement direction and comprises at least two conveyor belts arranged parallel to one another and driven in synchronism, wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means, and wherein each of the plurality of processing stations is equipped to process a single object at a time, for at least three reasons.

First, Boltshauser does not show or disclose two conveyor belts arranged parallel to one another and driven in synchronism, as is recited in amended claim 2. Although Figure 5 of Boltshauser shows two belt conveyors 5, 8, Boltshauser

does not disclose that these belts are driven in synchronism. The belt conveyors 5, 8 shown in Boltshauser are driven by different sets of rollers that are not axially co-aligned (*see* Boltshauser, FIG. 5), and nothing in Boltshauser requires that belts 5, 8 are driven in synchronism. Indeed, the system shown in Figure 5 could operate sufficiently, or even optimally, if belt conveyor 8 was driven at a higher rate of speed than belt conveyor 5, for example.

Second, Applicants submit that Boltshauser fails to show or disclose a plurality of individual object receivers formed on the conveyor belts by opposed holding means, as are recited in independent claim 2. Pursuant to 35 U.S.C. § 112, sixth paragraph, claims in the “means-plus” format are to be “construed to cover the corresponding structure described in the specification and equivalents thereof.” *See* M.P.E.P. § 2181, *citing In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 U.S.P.Q.2d 1845, 1850 (Fed Cir. 1994) (en banc). In view of the structures described in the specification (*see, e.g.*, Application, para. 0027), Applicants submit that the magnets 6 of Boltshauser are not “opposed holding means,” as the term is used in the Application. For example, paragraph 0027 and Figure 14 show opposed holding means 78, 79 mounted to a conveyor belt which mate with covers along their perimeters. Furthermore, the magnets 6 of Boltshauser are “stationary” and “at the lower side of the belt 5” (Boltshauser, col. 9, lines 13-15), and do not form a plurality of individual object receivers on at least two conveyor belts arranged parallel to one another and driven in synchronism, as is recited in amended claim 2.

Applicants further submit that amended claim 2 is not anticipated by Boltshauser, at least because Boltshauser fails to show or disclose a plurality of processing stations arranged along an advancement direction, wherein each of the plurality of processing stations is adapted to process a single object at a time, as is recited in amended claim 2. Indeed, Figure 5 of Boltshauser expressly shows a spraying device 2 processing a pair of cans 3 at a time (Boltshauser, FIG. 3), and Boltshauser also discloses that its drying chamber 4 is a “continuously operated pusher-type furnace” designed to accommodate a conveyor “loaded with rows of cans” along its length:

In order to attain a simple construction and, in particular, to dry all cans exactly in a uniform manner, it is preferably convenient to use

continuously operated pusher-type furnaces. Through such furnaces passes a conveyor belt having preferably a standard width and being loaded with rows of cans in accordance with the belt width from an accumulator-loader. The belt speed is selected in such a manner that the maximum supply of cans can be passed through the furnace. In order to attain the necessary time of heating or drying, the length of the furnace has to be chosen in accordance with the belt speed. After the furnace, the rows of cans running in parallel, particularly when exiting an accumulator zone can be separated again.

(Boltshauser, col. 6, lines 39-51, emphasis added.)

Moreover, Boltshauser expressly discloses that “[w]hile the representation of FIG. 5 shows only one can 3 after the other, the cans 3 may, within the scope of the invention, be arranged in pairs (or even in a greater number) on the respective belt 5 or 8 so as to increase the productivity.” (Boltshauser, col. 9, lines 26-34.)

Because Boltshauser fails to show or disclose either an advancing mechanism adapted to advance a single row succession of objects along an advancement direction comprising at least two conveyor belts arranged parallel to one another and driven in synchronism, wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means, or a plurality of processing stations arranged along an advancement direction, wherein each of the plurality of processing stations is adapted to process a single object at a time, as is recited in amended claim 2, Applicants submit that amended claim 2 is not anticipated by Boltshauser. For at least the same reasons, Applicants submit that Boltshauser also does not anticipate amended claim 15. Applicants respectfully request that the rejections thereof be withdrawn.

Regarding the rejections of claims 2 and 13 under 35 U.S.C. § 102(b) as anticipated by Dornieden, the Examiner argues that each of the features recited in these claims is shown or disclosed in Dornieden. (Office Action, pages 9-10.) Applicants respectfully disagree with the Examiner.

As is summarized above, claim 13 has been canceled, and amended claim 2 recites a processing device comprising an advancing mechanism and a plurality of processing stations arranged in succession along an advancement direction,

wherein the advancing mechanism is adapted to advance a single row succession of objects along the advancement direction, and comprises at least two conveyor belts arranged parallel to one another and driven in synchronism, wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means, and wherein each of the plurality of processing stations is adapted to process a single object at a time.

Applicants respectfully submit that amended claim 2 is not anticipated by Dornieden, at least because Dornieden, like Boltshauser, fails to show or disclose a plurality of individual object receivers are formed on the conveyor belts by opposed holding means, as is recited in amended claim 2.

Dornieden describes an assembly apparatus comprising a conveyor 13 with a pair of parallel belts 14 driven over a downstream drive pulley 28 and upstream drive pulley 29 by a belt 38 from motor 8. (Dornieden, col. 3, line 66 – col. 4, line 2.) Belts 14 have external teeth 16 that mesh with teeth 15 formed on the lower faces of workplace holders 5, such that when teeth 15 are meshed with teeth 16, holders 5 move in lockstep with belts 14. (Dornieden, col. 4, lines 2-6.) The Examiner argues that holders 5 are “formed by” teeth 15, guide shoe 24, metallic insert 37 and/or retaining element 26. (Office Action, pages 9-10.) However, as is discussed above with regard to Boltshauser, Applicants submit that these elements are not “opposed holding means” as that term is used in the present Application, and that Dornieden fails to show or disclose “the corresponding structure described in the specification and equivalents thereof.” See M.P.E.P. § 2181. Significantly, the holders 5 of Dornieden do not permit a workpiece 6 to be worked upon by both an upper work tool and a lower work tool, and cannot be confused with the opposed holding means disclosed in the present application for at least this reason.

Accordingly, Applicants submit that amended claim 2 is not anticipated by Dornieden, and respectfully request that the rejection thereof be withdrawn.

Regarding the rejections of claims 2-5, 9 and 17 under 35 U.S.C. § 102(a) as anticipated by AAPA, the Examiner argues that Figures 1 and 2 and paragraph 0014 of the specification as filed show or disclose each of the elements recited in these claims. (Office Action, pages 10-11.) Applicants respectfully disagree with

the Examiner. Amended claim 2 recites an advancing mechanism and a plurality of processing stations arranged in succession along an advancement direction, wherein the advancing mechanism comprises a plurality of individual object receivers formed on the conveyor belts by opposed holding means, and wherein each of the plurality of processing stations is equipped to process a single object at a time. However, according to the AAPA shown in Figures 1 and 2, and disclosed in paragraph 0014 of the specification, which was relied upon by the Examiner, the object receivers are not individual object receivers, and the processing devices are equipped to operate more than one object at a time. (See Application, para. 0014, “[t]hese process tools are multiple tools, so in the illustrated example four covers are stamped at the same time.”) Because the AAPA does not show or disclose the plurality of processing stations recited in amended claim 2, Applicants submit that amended claim 2 is not anticipated by the AAPA. Applicants further submit that claims 3-5 and 9, which depend directly or indirectly from amended claim 2, are also not anticipated by the AAPA for at least the same reasons, and respectfully request that the rejections of claims 2-5 and 9 as anticipated by the AAPA be withdrawn.

Regarding the rejections of claims 13, 14 and 18 under 35 U.S.C. § 103(a) as obvious over AAPA, in view of Dornieden, the Examiner concedes that the AAPA fails to teach or suggest two conveyor belts arranged parallel to one another and driven in synchronism, on which conveyor belts individual object receivers are formed by opposed holding means, but argues that these features are taught by Dornieden, and that claims 13, 14 and 18 are obvious over the combination of AAPA and Dornieden. (Office Action, pages 12-13.) Applicants respectfully disagree with the Examiner.

An obviousness rejection is improper unless supported by a clearly stated *prima facie* case of obviousness. A *prima facie* case of obviousness under 35 U.S.C. § 103(a) is established only if the prior art would have taught or suggested the claimed subject matter “as a whole” to a person of ordinary skill in the art, at the time of the claimed invention.

Applicants submit that amended claims 14 and 18 are not obvious over the combination of AAPA and Dornieden, at least because neither AAPA nor

Dornieden teaches or suggests “two conveyor belts arranged parallel to one another and driven in synchronism, on which conveyor belts individual object receivers are formed by opposed holding means.” As is set forth above, the AAPA fails to teach or suggest individual object receivers (see Application, FIG. 1), and the object receivers taught by Dornieden are not “formed by opposed holding means.” Applicants submit that neither the AAPA nor Dornieden teaches or suggests “the corresponding structure described in the specification and equivalents thereof,” *see* M.P.E.P. § 2181, and thus cannot teach or suggest the “individual object receivers . . . formed by opposed holding means” recited in amended claim 2, from which amended claim 14 depends, and amended claim 18. Accordingly, Applicants submit that amended claims 14 and 18 are not obvious over AAPA and Dornieden, and respectfully request that the rejections thereof be withdrawn.

Applicants respectfully submit that nothing in the amendments to claims 2-5, 9, 14, 15 and 18 constitutes new matter, and that the foregoing amendments are fully supported by the specification and drawings as filed.

As Applicant has addressed or traversed each and every rejection raised by the Examiner in the outstanding Office Action, Applicant respectfully requests that the present rejections and objections be withdrawn, and that claims 2-5, 9, 14, 15 and 18 be passed to issue.

This Amendment and Response is accompanied by a petition for a one (1) month extension of time to respond to the outstanding Office Action. Attorneys for Applicants hereby authorize the Commissioner to deduct \$130.00 from Deposit Account No. 13-0235. Applicants believe that no other fees are due in connection with this Amendment and Response. If additional fees are deemed necessary, Attorneys for Applicant hereby authorize the Commissioner to deduct such fees from our Deposit Account 13-0235.

Application Serial No.: 10/556,660
Office Action mailed November 20, 2009
Response to Office Action dated March 22, 2010

Respectfully submitted

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